

## **BREACH OF PLANNING CONTROL AT FAIRWAYS GARDEN CENTRE, HULLBRIDGE ROAD, RAYLEIGH, ESSEX**

### **1 SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control. Namely the use of the site for general storage purposes, the parking of commercial vehicles, the storage of a skip, wooden pallets, timber waste, builders / building equipment (including vehicles). The use of the site for the storage and display of stone ornaments, and for the siting of "lorry back" containers on land at Fairways Garden Centre, Hullbridge Road, Rayleigh, Essex.
- 1.2 Members will need to consider whether it is expedient to serve enforcement notices, etc. and this function is discretionary. However, the mechanisms of such actions are statutorily controlled.

### **2 INTRODUCTION**

- 2.1 This breach is occurring within the Metropolitan Green Belt (also a Landscape Improvement Area) and involves the use of the site as an open yard for general storage purposes, including those items mentioned previously.

### **3 THE PLANNING HISTORY OF THE SITE**

- 3.1 This site has been under investigation almost continuously for a number of years. Initially the land was used for the storage of caravans but, following the service of an Enforcement Notice and subsequent appeal, this use ceased. The land was then used for the storage of scaffolding equipment but a further Enforcement Notice put a stop to this. It is therefore felt important that any further Notice is sufficiently well worded so as to prevent any similar future breaches on the site. This would remove the need to start again from scratch with Enforcement proceedings when a similar new use commences on the site.
- 3.2 This specific matter has been investigated since October 2002 when a site visit to check compliance with the previous. Notice revealed that the site was being used for the storage of building materials, the parking of commercial vehicles, the storage of wooden pallets and timber waste, the siting of a skip and for the siting of three "lorry back" type containers.

- 3.3 A complaint was also received about the open storage and display of stone ornaments within the site. A letter was subsequently sent to the operators of the use advising them that this also represented a breach of planning control.
- 3.4 A deadline was set with the owners for them to clear the site but since their co-operation was not forthcoming it falls to consider the expediency of further, formal Enforcement action.

#### **4 PLANNING ISSUES**

- 4.1 This site lies within the Metropolitan Green Belt, (MGB) where there is a general presumption against development. Although this is the main policy concern the site is also within a Landscape Improvement Area where other restrictive policies apply.
- 4.2 The siting / storage of the "lorry back" storage containers, skips, building / builders materials, wooden pallets, timber waste, stone ornaments and the parking of commercial vehicles in the open as in this case leads to gradual erosion of the openness of the MGB. Such uses appear incongruous and detract from the open views across the green belt. These uses are also contrary to both Policy GB1 and GB4 of the Rochford District Local Plan (RDLP). GB1 limits new uses within the Green Belt to those linked to agriculture, forestry or recreation, while GB4 states that open storage uses within the Green Belt will not normally be permitted.
- 4.3 As referred to in paragraph 4.1. above, other restrictive policies apply and attention is drawn to Policy RC 8 of the RDLP. Policy RC 8 requires development in such areas to be of a high standard etc. which this clearly is not.
- 4.4 In view of the detrimental effect that the storage of these vehicles, building / builders materials, skips, "lorry back" containers, timber waste, stone ornaments and wooden pallets has on both the open nature of the site, and also on views in and out of it, this Enforcement action seeks to secure the cessation of this land for the siting and storage of these items.

**5 RECOMMENDATION**

5.1 It is proposed that the Committee **RESOLVES**

That the Head of Planning Services be authorised to take all necessary action to secure the remedying of the breach now reported. (HPS)

Shaun Scrutton  
Head of Planning Services

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**Background Papers:**

None

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